IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.474 OF 2006

Balu Dagadu Shedge ...Petitioner.
Versus
The State of Maharashtra & Ors. ...Respondents.

Shri Vikram V. Pai for the Petitioner.
Shri A.H.Palekar, A.G.P for Respondent Nos.1 to 4.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 2nd FEBRUARY, 2006.

P.C. :

1. Heard Shri Pai - learned Counsel appearing for the petitioner and Shri Palekar - learned A.G.P appearing for respondent Nos.1 to 4.

2. Shri Pai and Shri Palekar do not dispute the fact that the revision application is preferred by the petitioner in December, 2005 alongwith an application for stay; and the said application is pending before the Joint Registrar, Co-operative Societies, Pune. It is further agreed that the said revision application cannot be heard and decided unless the petitioner complies with mandate of Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960. This matter was adjourned till today at the request of Shri Pai to enable him to take instructions.

3. The total amount under recovery certificate in question is Rs.4,31,075/-. Further, Shri Pai submits

that on account of several difficulties faced by the petitioner and the shed in question being completely washed away in rains, it will not be possible to petitioner to deposit 50% of the amount under the recovery certificate with the Bank. However, he seeks liberty to approach the fifth respondent Bank and with a view to enable him to submit a revised proposal. He states that the petitioner would show his bonafides by depositing a sum of Rs.70,000/- within a period of six weeks from today with the fifth respondent Bank.

4. In my view, no interference is permissible with the actions as proposed by the fifth respondent for recovery of the amount under the recovery certificate in question. However, if the petitioner approaches the fifth respondent Bank with a revised proposal and also deposits the amount as undertaken above, it would be for the respondent No.5 Bank to take appropriate decision thereon on its own merits and in accordance with law. Shri Pai states that the petitioner would make a revised proposal within a period of two weeks and pay the amount as undertaken above within a period of six weeks. Respondent No.5 to take decision on the proposal within four weeks from the date of its submission.

(S.C.DHARMADHIKARI,J.)